

**DISTRICT COURT OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

**PATRICE CANTON,**

**Plaintiff,**

**v.**

**1:05-cv-143**

**KMART CORPORATION,**

**Defendant.**

**TO:** **Lee J. Rohn, Esq.**  
**Eugenio W.A. Geigel-Simounet, Esq.**

**ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL**

THIS MATTER came before the Court for consideration upon Plaintiff's Motion to Compel Defendant to Produce Missing Documents (Docket No. 154). Defendant filed an opposition to said motion, and Plaintiff filed a reply thereto.

Being advised in the premises and upon due consideration thereof, the Court finds that Dr. Eduardo Soria Rivera may have "considered" information contained in the "engagement" letter in reaching his conclusion. Rule 26(a)(2)(B). Thus, this document is discoverable. Defendant has agreed to produce again the other itemized documents.

Accordingly, it is now hereby **ORDERED**:

1. Plaintiff's Motion to Compel Defendant to Produce Missing Documents (Docket No. 154) is **GRANTED**.
2. Defendant shall serve upon counsel for Plaintiff, within ten (10) days from the date of entry of this order, the requested documents, to the extent it has not already done so.

ENTER:

Dated: November 4, 2009

/s/ George W. Cannon, Jr.

GEORGE W. CANNON, JR.  
U.S. MAGISTRATE JUDGE